

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 CLAUDIA H. PHILLIPS, State Bar No. 202645
Deputy Attorney General
4 1515 Clay Street, 20th Floor
P.O. Box 70550
5 Oakland, CA 94612-0550
Telephone: (510) 622-2221
6 Facsimile: (510) 622-2270

COPY

7 Attorneys for Complainant

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-124

12 **JACINTA ULANDRA LEWIS,**
13 **A.K.A. JACINTA LEWIS BROWN**
6638 Creek Turn Drive
14 Rey, Georgia 30273

A C C U S A T I O N

15 Registered Nurse License No. 708809

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about July 27, 2007, the Board of Registered Nursing issued
23 Registered Nurse License Number 708809 to Jacinta Ulandra Lewis, a.k.a. Jacinta Lewis Brown,
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on May 31, 2009, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing
28

(Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct....

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or

1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
3 license.

4 "(c) Be convicted of a criminal offense involving the prescription, consumption,
5 or self-administration of any of the substances described in subdivisions (a) and (b) of this
6 section, or the possession of, or falsification of a record pertaining to, the substances described in
7 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
8 thereof."

9 8. Section 490 of the Code provides, in pertinent part, that a board may
10 suspend or revoke a license on the ground that the licensee has been convicted of a crime
11 substantially related to the qualifications, functions, or duties of the business or profession for
12 which the license was issued.

13 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
14 request the administrative law judge to direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
16 and enforcement of the case.

17 10. California Code of Regulations, Title 16, section 1444, states, in pertinent
18 part:

19 "A conviction or act shall be considered to be substantially related to the
20 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
21 present or potential unfitness of a registered nurse to practice in a manner consistent with the
22 public health, safety, or welfare."

23 FIRST CAUSE FOR DISCIPLINE

24 (Conviction of Substantially Related Crime)

25 11. Respondent is subject to disciplinary action under Code sections 2761(f)
26 and 490 in that she was convicted of a crime substantially related to the duties, qualifications and
27 functions of a registered nurse, as defined in Title 16, California Code of Regulations, section
28 1444. The circumstances are set forth in paragraph 12, below.

1 12. On or about August 14, 2008, in *People v. Jacinta Ulandra Lewis*, Napa
2 County Superior Court Case No. CR140956, Respondent was convicted by a plea of no contest
3 of violating Vehicle Code section 23152(b)-Driving While Having a .08% or Higher Blood
4 Alcohol and an enhancement pursuant to Vehicle Code section 23578-Driving While Having a
5 0.15% or Higher Blood Alcohol. Imposition of sentence was suspended and Respondent was
6 placed on five years of summary probation. The offense occurred while Respondent was driving
7 in a drainage ditch on the north side of American Canyon Road on or about May 17, 2008.

8 SECOND CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct: Use of Alcohol in Dangerous Manner)

10 13. Respondent is subject to disciplinary action under Code sections 2761(a)
11 and 2762(b) in that she engaged in unprofessional conduct by using alcohol in a dangerous
12 manner. The circumstances are set forth in paragraph 12, above.

13 THIRD CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct: Conviction of Crime Involving Use of Alcohol)

15 14. Respondent is subject to disciplinary action under Code sections 2761(a)
16 and 2762(c) in that she was convicted of a crime involving the consumption of alcohol. The
17 circumstances are set forth in paragraph 12, above.

18 DISCIPLINE CONSIDERATIONS

19 15. To determine the degree of discipline, if any, to be imposed on
20 Respondent, Complainant alleges that on or about April 26, 2005, in a prior criminal proceeding
21 entitled *People v. Jacinta Lewis Brown*, Clayton County (Georgia) Superior Court Case No.
22 2004CR08621-B, Respondent was convicted of Driving Under the Influence, a misdemeanor.
23 Imposition of sentence was suspended and Respondent was placed on one year of probation. At
24 the time of this offense, Respondent was a licensed registered nurse in the state of Georgia. The
25 record of the criminal proceeding is incorporated as if fully set forth.

26 PRAYER

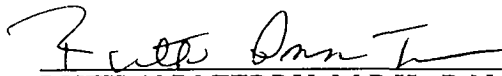
27 WHEREFORE, Complainant requests that a hearing be held on the matters herein
28 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1 1. Revoking or suspending Registered Nurse License Number 708809, issued
2 to Jacinta Ulandra Lewis, a.k.a. Jacinta Lewis Brown.

3 2. Ordering Jacinta Ulandra Lewis, a.k.a. Jacinta Lewis Brown, to pay the
4 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
5 case, pursuant to Business and Professions Code section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
7

8 DATED: 11/26/08
9

10
11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant
18
19
20
21
22
23
24
25
26
27
28

SF2008402556